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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1461st MEETING

Held at Headquarters, New York,
on Wednesday, 24 July 1996, at 3 p.m.

Chairman: Mr. SAMANA (Papua New Guinea)

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The meeting was called to order at 3.35 p.m.

QUESTION OF EAST TIMOR (continued) (A/AC.109/2049 and Corr.1 and 2)

1. Mr. YARKA (Papua New Guinea), referring to the comments made by some petitioners at previous meetings concerning the visit made to Indonesia by the Ambassador and Permanent Representative of Papua New Guinea to the United Nations in June 1996, said that, since his delegation did not have a copy of the statement which was reported to have appeared in the local Indonesian media, it was unable to ascertain the validity of the interpretations made by those petitioners. The Ambassador of Papua New Guinea had travelled to Indonesia in his capacity as representative of his country and not as the Chairman of the Special Committee, since the invitation from the Government of Indonesia to the Government of Papua New Guinea had been issued long before he had assumed the post of Chairman of the Committee. The Ambassador of Papua New Guinea had at no time purported to represent the interests of any outside organization, including the Committee. The bilateral discussions between Papua New Guinea and Indonesia had been confined to bilateral issues of common concern. Papua New Guinea had reiterated its policy on decolonization and with regard to East Timor.

2. Papua New Guinea's perception of the realities in East Timor were totally different from the views and perceptions of other delegations, groups and individuals. The fact that Papua New Guinea was chairing the Committee did not mean that it adhered to the wishes and thinking of the Committee. The Committee had supported and upheld the principles and goals contained in the Charter of the United Nations in order to promote the inalienable right to self-determination of the colonized peoples, while other powers had tried desperately to undermine and destabilize the Committee's mandate.

3. Papua New Guinea maintained close and cordial relations with Portugal at the bilateral and international levels. Its position on East Timor was based on the factual events that had led to the current situation.

4. Portugal, which had been the administering Power in East Timor for many years, had abandoned the people of that Territory during the Second World War and at the time of the outbreak of the rebellion in 1974, when it had withdrawn precipitately from the Territory, thereby abdicating its legal and moral responsibility as an administering Power. That had led to a total collapse of civil order and bloodshed. Serious doubts were therefore raised about the genuineness of Portugal's position with regard to the problems and welfare of the people of East Timor.

5. At the time of the rebellion in East Timor, various political parties had competed to take political control of the Territory: one school of thought favoured total independence, while the other favoured integration with the Republic of Indonesia. Those who favoured integration felt that integration with the Republic of Indonesia had resolved the political crisis in East Timor, while those who opposed integration wanted to further disrupt civil order. In the view of Papua New Guinea, Indonesia's intervention had prevented further bloodshed. That explained the decision of the majority of the people of East Timor to seek integration with the Republic of Indonesia. Given the

current realities, it would be impossible for Portugal to be recognized as the legitimate authority over its former Territory.

6. Papua New Guinea fully supported the efforts made by the Secretary-General to facilitate consultations between Indonesia and Portugal with a view to reaching an amicable solution to the question of East Timor.

7. Mr. BAPTISTA (Indonesia), said that, for reasons which were well-known, his delegation rejected the inclusion of the so-called question of East Timor in the Committee's agenda or in any other forum, and objected to the use of the Committee by the former colonial Power and certain individuals for waging a disinformation campaign against Indonesia.

8. The people of East Timor had already determined their political future through a form of referendum based upon their traditional democratic practices and, in exercise of their right of self-determination, had chosen integration with Indonesia. On 17 July 1976, East Timor had become an integral part of the Republic of Indonesia, and its status was now irreversible. The people of East Timor had confirmed that decision in 1982, 1987 and 1992. In the general elections to be held in May 1997, the people of East Timor would once again be able to exercise their constitutional rights and responsibilities as citizens of the Republic of Indonesia.

9. In East Timor the erstwhile colonial Power had completely bungled the process of decolonization by abandoning the people to a tragic fate of civil war and chaos, resulting in the killings of thousands of East Timorese people. That breakdown of authority in the Territory had caused a massive exodus to the Indonesian province of West Timor. In November 1975, three months after Portugal's precipitate departure from East Timor, at a meeting in Rome between the foreign ministers of the two countries, Indonesia had urged the colonial authorities to return to East Timor and complete the process of decolonization in a just and orderly manner. Through its irresponsible departure on 26 August 1975, Portugal had forfeited any moral, legal, historical or other right to be considered the administering Power of East Timor. Portugal had remained silent about its so-called responsibility from 1976 to 1979 and the General Assembly resolutions during those years had made no mention of Portugal as the administering Power. Portugal now maintained that it was unable to carry out its responsibility under Article 73 e of the Charter of the United Nations. The people of East Timor did not consider their province to be a Non-Self-Governing Territory since they had their own Government. It was therefore high time for Portugal and its surrogates to recognize the reality of the integration of East Timor with Indonesia.

10. Since 1983, the General Assembly had deferred consideration of the question of East Timor. That decision reflected the growing realization among members of the international community of the true circumstances surrounding the process of decolonization and the actual situation prevailing in the province.

11. Indonesia had always responded positively to the initiative taken by the Secretary-General to hold a tripartite dialogue with the foreign ministers of Indonesia and Portugal. In June 1996, the eighth round of talks had been concluded, in which the two ministers had discussed in greater detail the

substantive issues related to an eventual framework for the achievement of a just, comprehensive and internationally acceptable solution to the question of East Timor. The Secretary-General had appealed to both parties to exercise restraint in order to maintain a favourable atmosphere for further progress towards a settlement of the question. That appeal had also been directed to East Timorese of all shades of opinion to prevent a detrimental impact to the dialogue.

12. It was regrettable that Portugal had never demonstrated its sincerity with regard to that dialogue. Instead, it had continued to wage a political campaign to score points in various forums, including the Committee, by circulating notes verbales and statements in which it repeated its allegations. That policy of double standards would not contribute anything to the efforts to seek a just, comprehensive and internationally acceptable solution. The Committee, which derived its mandate from the General Assembly, should follow the Assembly's example and delete the item from its agenda so that it would not be used as a political vehicle for the irresponsible actions of a former colonial Power.

13. The innovative idea of opening an interests section in Jakarta and Lisbon had been initially introduced by the Secretary-General in the tripartite talks held on 17 December 1992 in New York and aimed at promoting confidence-building measures between the two countries. Indonesia had responded positively, but Portugal had rejected the idea. Indonesia was pleased that Portugal was now willing to consider the proposal which the Secretary-General had made four years earlier. However, the establishment of an interests section could not be linked to other extraneous issues, such as the release of "Xanana" Gusmão.

14. Many of the allegations of human rights violations had been grossly exaggerated by Indonesia's detractors. Whenever incidents occurred that were contrary to its firm commitment to uphold and protect basic rights and fundamental freedoms, as had happened in Dili on 12 November 1991, the Indonesian Government took swift and decisive action to bring to justice those responsible, be they civilians or military personnel. Indonesia had continued its sincere efforts to resolve all outstanding issues related to the Dili incident. The number of those unaccounted for was now down to 54, after two more individuals had reported their whereabouts. It was possible that some of those still considered missing might be unwilling to come forward because they had gone into hiding or had left the country for Portugal. In 1993, Indonesia had established a National Commission for Human Rights and, in July 1996, the Commission had opened a branch office in Dili. The branch office in Dili would report with impartiality and objectivity all events concerning human rights violations and would help to implement the national action plan.

15. Since integration, the Government of Indonesia had committed itself to providing for the basic needs of the East Timorese people and to laying the foundation for the future, as could be seen from the fact that it had allocated six times more resources to East Timor than to any other province. The Government of Indonesia, a country comprising over 300 distinct ethnic groups and languages, had ensured and promoted the maintenance of cultural and linguistic diversity. Studies of the culture and of Tetum, the local language, had been included in the educational curriculum. To that end, reference books were being published for the teaching of the language in the public schools of

the Territory from the 1996-1997 school year. Indonesia's record on the question of freedom of worship, of religious tolerance and respect for and promotion of the cultural heritage was well established. On 3 February 1996, a new building in the Seminary of Our Lady of Fatima had been inaugurated at Balide, Dili. In 1975, there had been about 130,000 Catholics in the province. The figure was currently over 750,000. In 1975, there had been only 86 Catholic churches. Currently, there were 99 churches and 438 Catholic chapels. A forum for communication and consultation among the leaders of religions had also been established in 1994.

16. The Indonesian Government had permitted East Timorese youths at certain embassies in Jakarta to leave for the destinations of their choice. No country other than Portugal had supported their grounds for political asylum, since they were not being persecuted by the Indonesian Government. Their requests for political asylum were totally groundless in view of the fact that all other embassies had rejected them. The Government of Indonesia had also approved the requests of five freedom fighters to return to Indonesia following their exile in Portugal since the 1960s. Since the integration of East Timor into Indonesia, they had repeatedly attempted to return to their homeland, a goal that had finally been accomplished after long years in exile.

17. Equally preposterous were the allegations of "repression" in connection with a series of incidents that had taken place in the towns of Maliana, Uatolari and Dili, caused by the irresponsible behaviour of a correctional officer at the Maliana prison, whose remarks had offended the feelings of people of a different religion. Regrettably, it had developed into a riot with inter-ethnic and inter-racial nuances. The situation had swiftly returned to normalcy, thanks to the prudent action of the local authorities, in close cooperation with community leaders, including the Bishop of Dili. Those responsible had been brought to justice. It was regrettable that, according to the Government's findings, those incidents had been provoked by irresponsible parties intent on manipulating inter-ethnic differences for political purposes.

18. There was absolutely no truth to the contention that the province was closed to foreign observers. East Timor continued to be visited by numerous foreign personalities and dignitaries and members of the diplomatic corps, as had been the case during the previous six months. It was in that context that, at the invitation of the Indonesian Minister for Foreign Affairs, the Permanent Representative of Papua New Guinea to the United Nations had paid a visit to Indonesia, including to Irian Jaya and East Timor. The visit of Ambassador Samana, in his personal capacity, on 19 and 20 June 1996, had enhanced the bilateral relations between the neighbouring countries of Indonesia and Papua New Guinea.

19. The portrayal of the presence of the Indonesian armed forces in East Timor was false and reprehensible. The Military Operations Command had been disbanded and replaced by a District Command similar to those in other Indonesian provinces. Through its civic missions, the military had made an invaluable contribution towards the expediting of development efforts. Visitors to the province could witness for themselves the important work of the territorial battalions in building basic infrastructure. Between 1990 and 1996, the armed forces had constructed houses and various infrastructural works. The military

was one of the three pillars of development in East Timor and, together with the provincial government and the Catholic Church, it was working to enhance the welfare of the people of that province.

20. It was factually incorrect to indulge in misrepresentations regarding transmigration in East Timor. A resettlement policy was in existence in East Timor which was aimed at expediting the development of remote areas and improving the lives of the disadvantaged. In that context, the Indonesian Government encouraged skilled workers, mostly of the Catholic faith, to assist the local population in becoming self-sustaining and in developing their skills.

21. His delegation had noted the statements made by petitioners, who belonged to two groups. Those who were motivated to contribute to the improvement of the human rights situation based on and within the framework of the principles and mechanisms of the United Nations and others whose motivation was completely political and who were used as a political vehicle for certain countries. Indonesia was ready to cooperate with the first group. It wished to reiterate to the second, however, that it was a co-sponsor of General Assembly resolution 1514 (XV). That group should instead address its concerns to the former colonial power, which had failed to implement in East Timor the principles contained in the Declaration on the Granting of Independence to Colonial Countries and Peoples and whose activities were focused on discrediting Indonesia by the dissemination of distorted information and by the visits of its representatives to Indonesia and East Timor as "tourists" for the purpose of instigating certain groups to oppose the Government and to create disturbances and trouble.

22. He would not respond to the outrageous allegations made against Indonesia so as not to waste the Committee's time. With regard to the absurd comparison between the economic progress of the members of the Association of South-East Asian Nations (ASEAN) and the alleged violations of human rights of their people, it sufficed to say that the concept of human rights of the people of those countries was universally acknowledged and, needless to say, the people of East Timor enjoyed those rights. At the ASEAN-European Union Summit held in Bangkok, the question of East Timor had not even been considered. The issue of the Moro National Liberation Front had nothing whatsoever to do with the question of the decolonization of East Timor. Indonesia, as Chairman of the Organization of the Islamic Conference (OIC) Ministerial Committee of the Six, had been mandated to oversee the peace talks between the Government of the Philippines and the Liberation Front, to which both parties had consented. It was absolutely untrue that the Indonesian armed forces used East Timor as a tactical training ground. On the contrary, the armed forces were involved mainly in civic missions. The promotion of Brigadier-General Prabowo of Kopassus to the rank of Major-General had been a reward for the successful mission to rescue the foreign hostages seized in Irian Jaya and had also been due to the enlargement of the unit to which he belonged.

23. For over four centuries, East Timor had been exploited for the benefit of the former colonial powers. It was high time for the Special Committee to accept the fact that the people of East Timor had exercised their right to self-determination and had chosen to integrate with the Republic of Indonesia.

24. Mr. SANTOS (Portugal), speaking in exercise of the right of reply, reaffirmed that his country had due respect for the views of countries in the region where East Timor was located, and emphasized the good bilateral relations it maintained with Papua New Guinea, which would not be affected by the comments that had been made. In reply to the statements of the representatives of Papua New Guinea and Indonesia, he wished to put on record that the Portuguese Government had not hastily abandoned East Timor and that it had always honoured its responsibilities. During and after the Second World War, Portugal had used all of the diplomatic and military resources at its disposal to restore the legal order and Portuguese sovereignty and to redress the terrible situation brought about by the invasion and occupation by Japanese imperial forces. In 1974-1975, it had done everything possible, considering the political situation prevailing at that time not only in East Timor but also in Portugal, to guide the decolonization process; it had remained in East Timor up to the last minute and had tried to bring the parties to the negotiating table with a view to ending the disturbances and restoring law and order. Indonesia had recognized at that time that Portugal had a special responsibility as the administering Power and also that the settlement of the question of East Timor must be based on the exercise of its people's right to self-determination. Since then, Portugal had remained in constant contact with Indonesia and with the United Nations; it had recourse to the Security Council and the General Assembly, and had always respected the relevant resolutions, unlike Indonesia, which did not recognize them.

25. Under the provisions of those resolutions, East Timor was a Non-Self-Governing Territory. Since 1975, even though Portugal had been forcibly prevented from carrying out its functions as the administering Power, it had sought only to restore the legal order and to enable the people of East Timor to exercise their right to self-determination in order to bring the decolonization process to a valid conclusion. The debates in the General Assembly had been postponed to enable the Secretary-General to use his good offices to find a just, comprehensive and internationally acceptable solution. The parties directly involved, Portugal and Indonesia, had agreed to that postponement.

26. With respect to the Indonesian delegation's request that Portugal should exercise restraint, it was necessary to exercise restraint both in word and in deed. Indonesia, which had illegally occupied East Timor since 1975, should also exercise restraint with respect to the Timorese people - as the Commission on Human Rights had asserted and as Indonesia had agreed as a member of the Commission - in order to rectify the situation in the Territory, which was a cause for "deep concern", as stated in the relevant declarations of the Commission.

27. After hearing the statistics and the report on the material progress made by the Indonesian administration in Timor, he did not understand why Indonesia was so afraid to let the Timorese people exercise their right to self-determination and decide on their future political status in a way that could be recognized by the United Nations. The representative of Indonesia had invoked the decision adopted by the Representative Assembly in 1975 as the basis for the legitimacy of Indonesia's annexation of Timor, but that decision had not been recognized by the United Nations or endorsed by any representative of the

international community. It was time to ascertain the real wishes of the people of East Timor with respect to any solution that might be found.

28. Mr. BAPTISTA (Indonesia), speaking in exercise of the right of reply, said that his country's position was clear and that he did not wish to prolong the debate.

29. The CHAIRMAN said that, as there were no more speakers, if he heard no objection the Special Committee would continue its consideration of the issue at its next session, subject to the relevant guidelines drawn up by the General Assembly at its fifty-first session.

30. It was so decided.

Special Committee decision of 15 August 1991 concerning Puerto Rico

31. The CHAIRMAN drew the Special Committee's attention to aide-mémoire 15/96, concerning the review of the Committee's method of work, especially with reference to its decision of 15 August 1991 concerning Puerto Rico. That aide-mémoire stated, "The Bureau notes that there has been an annual discussion in the Special Committee on the question of Puerto Rico, including a hearing with the organizations interested in the question, and the adoption of a resolution after the hearing. Regarding the postponement in 1992 of the discussion and decision on the item, it is recommended that this postponement be extended until 1997, pending the outcome of other consultations and subsequent steps that are continuing to be taken at various levels by the interested parties. The Bureau also suggests that the Special Committee give due consideration to requests for hearing on the basis of its usual practice".

32. The CHAIRMAN said that, if he heard no objection, he would take it that the Special Committee accepted the recommendation of the Bureau.

33. It was so decided.

Requests for hearing

34. The CHAIRMAN drew the Special Committee's attention to the requests for hearings, in relation to the report of the Pacific Regional Seminar and the implementation of the Declaration by the specialized agencies, contained in aide-mémoire 16/96, and said that, if he heard no objection, he would take it that the Committee granted those requests.

35. It was so decided.

QUESTION OF NEW CALEDONIA (A/AC.109/2046; A/AC.109/L.1850)

36. The CHAIRMAN drew the Special Committee's attention to a working paper prepared by the Secretariat (A/AC.109/2046) and to draft resolution A/AC.109/L.1850, and recalled the requests for hearing granted at the 1456th and 1459th meetings.

Hearing of petitioners

37. At the invitation of the Chairman, Mr. Uregei took a place at the petitioners' table.

38. Mr. UREGEI, speaking on behalf of the Congrès Populaire, said that his organization denounced and refused to recognize the Matignon Accords because it felt that they did not guarantee the independence of the Kanak people. The Prime Minister of France, supporting the position of the Rassemblement pour la Calédonie dans la République (RPCR) - in other words, the colonial right wing of Jacques Lafleur, President of the South Province - had imposed a regime of self-government in New Caledonia which no one had asked for, instead of granting independence, for which the Kanak people were struggling.

39. France had not recognized the proclamation of the Kanak people's sovereignty, made on 24 September 1994 by the 32 traditional Grand Chiefs, who were the true representatives of New Caledonia. All of the Melanesian countries of the South Pacific were independent; there was no reason why New Caledonia should not be also.

40. RPCR had proposed that the Accords should be extended for 19 years. It had practised a policy of mass immigration as a result of which the Kanak people was no longer the majority. The Framework Law, which had facilitated the independence process, had been modified. Also, the electoral register had been adulterated to enable the French to vote in the referendum. RPCR was applying colonial policies under the protection of the Government of France. The neutrality of the State was non-existent. Discussions on the consensual solution had led to self-governing status. Successive French Governments had maintained the colonial status of New Caledonia. The Kanak people wanted independence and had formed pro-independence parties which were carrying on the struggle for liberation throughout the country and would not rest until independence was achieved. The Caldoches, who were immigrants in New Caledonia and who promoted the colonial policies, did not represent the colonized people, i.e., the Kanak people. It was for the latter to decide its future. To avoid outbreaks of violence, the Congrès populaire proposed, as it had already done before the Regional Seminar at Port Moresby, that the matter should be submitted to the international community in order to avoid the sending of French troops to New Caledonia. Pursuant to the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee must inform the General Assembly of the political situation in the Territory and request that New Caledonia should once more be included in the list of territories to be decolonized. The South Pacific Forum could introduce the question of independence for New Caledonia in the Special Committee and the latter could, in turn, bring it to the attention of the General Assembly. He also recalled the decision adopted by the Regional Seminar on the sending of a mission to New Caledonia by the Special Committee.

41. The petitioner withdrew.

42. At the invitation of the Chairman, Ms. Winslow (Front de libération nationale Kanake socialiste) took a place at the petitioners' table.

43. Ms. WINSLOW (Front de libération nationale Kanake socialiste) said that the impact upon French public opinion of the massacre of members of the Front de libération nationale Kanake socialiste (FLNKS) which had taken place on 5 May 1988 in Ouvéa had made it possible to begin negotiations in June of that year. The negotiations had led to the signing of the Matignon and Oudinot Accords by the Government of France, the Rassemblement pour la Calédonie dans la République (RPCR), which represented those elements of the population of New Caledonia which were opposed to independence, and FLNKS. The Accords had begun a 10-year institutional and political process with the adoption of economic and social readjustment measures aimed at promoting decolonization and creating the necessary conditions for the exercise of self-determination through a referendum which was to take place in 1998.

44. The Accords had not been a final solution. FLNKS, faced with overwhelming forces, had been obliged to negotiate and had shown courage and a sense of responsibility by signing the Accords, trusting in France's ability to recognize the legitimacy and justice of the cause of the Kanak people. However, the French Government had refused to implement the provisions of General Assembly resolutions 1514 (XV) and 1541 (XV), showing that it was not prepared to carry through the decolonization process in accordance with the principles of the United Nations, and it still considered the claims of the Kanak people as a matter of internal politics.

45. After eight years, the readjustment process had achieved considerable progress thanks to institutional decentralization. The provinces created under the Matignon Accords had been given broad authority and substantial financial resources. That had made it possible to implement policies which were better adapted to local conditions in the areas of health and education, particularly in the provinces of the North and the Iles Loyauté, controlled by the FLNKS, which had succeeded in catching up to a considerable extent in the areas of infrastructure and public services, and achieving major progress in the economic sphere.

46. Nevertheless, that progress had not been sufficient to achieve the economic renewal of those two provinces or to make up for the economic and financial preponderance of the province of the South, headed by Jacques LaFleur, the leader of the movement opposed to the country's independence. The supporters of the colonial status quo used the pretext of that insufficient economic, social and cultural readiness to call into question the cause of independence. FLNKS, for its part, considered that independence was the only guarantee of permanent political and institutional stability, which was a necessary condition for sustainable economic and social development.

47. In 1993 FLNKS had requested that talks should begin among the three parties to the Matignon Accords to prepare for the 1998 referendum. The first meeting, chaired by the French Prime Minister, Alain Juppé, had been held in Paris on 16 October 1995 to agree on the modalities of the talks. Official negotiations had begun on 16 February 1996 in New Caledonia under the chairmanship of the Minister for Overseas Departments and Territories, Jean-Jacques de Peretti. RPCR had proposed a broad self-governing status for a period of 30 years, whereas FLNKS had proposed that New Caledonia should accede to independence and sovereignty in 1998. It had been hoped that negotiations on the two options

would take place to arrive at a solution which would be acceptable to all. However, on 19 April 1996 Prime Minister Alain Juppé had rejected the FLNKS position outright, declaring that the independence of New Caledonia was incompatible with the consensus approach defined on 16 October 1995. On behalf of the French State, he had proposed a broad self-governing status for 10 years, with extended powers for local institutions, the adoption of measures of economic support and the holding of a vote on self-determination.

48. FLNKS had considered that the position of the French State was tantamount to declaring a premature end to the negotiations and that, by favouring the option of keeping New Caledonia within France with a broad self-governing status, it was breaking the promise made by the French people which had approved by referendum the Matignon and Oudinot Accords on 9 November 1988, thereby accepting de facto that the act of self-determination in 1998 would be a vote on whether New Caledonia should accede to independence.

49. FLNKS had therefore decided to break off negotiations, declaring that the settlement of the colonial issue and the question of New Caledonia's accession to sovereignty and independence should be settled by negotiation between the Kanak people and France, and had requested the French State to take the necessary measures for the resumption of dialogue within that framework.

50. After a delay of two months, France had agreed to that request and sent the Minister for Overseas Departments and Territories, Jean-Jacques de Peretti, to resume the dialogue with FLNKS. That had enabled a new negotiating framework to be defined. To begin with, bilateral negotiations were to be held between the French State and FLNKS to reach a framework agreement on the option for settlement of the colonial dispute and the country's accession to independence and, at a later stage, the holding of negotiations with RPCR and the country's other political groups on that framework agreement.

51. At the current stage in New Caledonia's history, its future was surrounded by uncertainty. FLNKS therefore requested the support of the United Nations, and asked that the Organization should inform France that New Caledonia was on the list of Non-Self-Governing Territories and that, as the administering Power, France was responsible for carrying out its decolonization; its duty to fulfil the promise made in 1988 by the French people, which must result in real and positive respect for the desire of the Kanak people to accede to independence; its duty to follow through with the decolonization of New Caledonia, a process which had begun timidly with the Matignon and Oudinot Accords, and to provide New Caledonia with the necessary means for its development, and the need to give priority to negotiations with the representatives of the Kanak people on the option of the country's accession to the exercise of sovereignty and independence, within the framework of the current negotiations and in the perspective of the act of self-determination which was due to take place in 1998.

52. The petitioner withdrew.

53. The CHAIRMAN said that FLNKS had given him a file of background documents on New Caledonia. It would be included in the archives of the Committee secretariat and would be available to all delegations.

Draft resolution A/AC.109/L.1850

54. The CHAIRMAN said that apropos of the subject under discussion, the Committee had before it draft resolution A/AC.109/L.1850, which would be introduced by the representative of Papua New Guinea.

55. Mr. YARKA (Papua New Guinea), introducing draft resolution A/AC.109/L.1850, said that the Melanesian leaders who had participated in the 10th meeting of the Melanesian Spearhead Group, held in June 1996 in Papua New Guinea, had reaffirmed their support for the decolonization process in New Caledonia, called upon the parties to the Matignon Accords to live up to their commitments and pursue their dialogue with a view to the holding of a referendum, and urged the indigenous parties in New Caledonia to adopt a common position on the political and economic development of their country.

56. He commended the efforts made by France and the other participants in the decolonization process, and said that in his view the Matignon Accords afforded an opportunity for all concerned to contribute to the creation of a situation where the right to self-determination could be effectively exercised. He also acknowledged with satisfaction that the Government of France had allowed foreign leaders to establish contacts with the people of New Caledonia for the purpose of ascertaining how much progress had been achieved in the political, institutional and economic spheres.

57. However, the exercise of the right to self-determination would be adversely affected unless the interests of all parties, particularly the indigenous Kanaks, were taken into account. In that connection, the Committee should call upon the Administering Power to devote particular attention to the registration of voters in preparation for the 1998 referendum. It was also essential for the native Kanaks to be aware of their rights relating to traditional values, practices and law, especially the right to own property and to exploit natural resources, so that they could participate in the development of their country.

58. The CHAIRMAN said it was his understanding that the Special Committee was prepared to approve the draft resolution without a vote.

59. Draft resolution A/AC.109/L.1850 was approved without a vote.

60. The CHAIRMAN announced that the Committee had concluded its consideration of the agenda item.

QUESTION OF WESTERN SAHARA (A/AC.109/2059)

61. The CHAIRMAN informed the meeting that the Algerian delegation had asked to participate as an observer in the Committee's consideration of the question. In accordance with established practice, if there were no objections he would take it that the Committee agreed.

62. It was so decided.

63. At the invitation of the Chairman, the representative of Algeria took a place at the Committee table.

64. The CHAIRMAN directed the Special Committee's attention to the working document presented by the Secretariat (A/AC.109/2059).

65. At the Chairman's invitation, Mr. García (Liberal International and Unión Centrista) was seated at the petitioners' table.

66. Mr. GARCÍA said that at its 47th Congress, the Liberal International had passed a resolution expressing its concern at the decision adopted by the Security Council on 29 May not to organize the referendum that would have enabled the Saharan people to decide the future political status of Western Sahara, reiterating the Liberal International's support for the holding of a fair and clear referendum, expressing its confidence that Spain (as the metropolitan Power) and the United Nations would assume responsibility for finding a peaceful solution through the application of its resolutions and the settlement plan, strongly condemning the Kingdom of Morocco for its attempts to manipulate the referendum, and calling upon the United Nations to maintain MINURSO troops in the territory.

67. In passing that resolution, the Liberal International had expressed the concern felt by all liberals for the future of Western Sahara. The Saharan people had been waiting for 20 years for their final decolonization. The Liberal International asked the Special Committee to analyse the situation in depth and develop proposals whereby the objectives set forth in the relevant resolutions of the United Nations and the Organization of African Unity might be attained.

68. In his capacity as the General Coordinator of the Unión Centrista, he pointed out that Spain was directly responsible for the Saharan people's current situation and should cooperate in working out a definitive, equitable solution. He urged the Government of Spain to insist on the implementation of the plan to hold a fair and transparent referendum for the self-determination of the Saharan people.

69. The Unión Centrista requested the assistance of the international community in preventing the Moroccan regime from ruining years of patient work by the United Nations. It wanted MINURSO to remain in place to ensure that the outcome would be implementation of the settlement plan, not consolidation of the status quo. While it was essential to make sure that the new turn of events did not lead to a renewal of hostilities, the objective that had given rise to the settlement plan, namely a just and democratic definitive solution arrived at by consulting the Saharan people in clear and unambiguous terms, was more important still.

70. The Saharan Arab Democratic Republic was a legitimately constituted sovereign State that had been recognized by more than 70 States. He asked the Committee to issue a call for universal recognition of the Republic so that the two parties to the conflict would be on an equal footing in terms of their legal status. It was the Special Committee's duty to be vigilant on behalf of the rights of peoples, and it had a moral obligation to submit to the General Assembly measures that would put the situation back on track and compel the

Kingdom of Morocco to accept a referendum for Western Sahara in which only Saharans would vote.

71. The petitioner withdrew.

72. At the invitation of the Chairman, Mr. Boukhari (Frente POLISARIO) took a place at the petitioners' table.

73. Mr. BOUKHARI said that the peace process which should have led to the holding of a referendum by which the Saharan people would have determined their own future, had ended in total deadlock. The Secretary-General's recent report to the Security Council was a clear acknowledgement of the failure of the latest attempt by the United Nations to bring about the definitive decolonization of Western Sahara. That failure did not enhance the Organization's credibility.

74. As far as possibilities for a solution went, the Western Sahara conflict was more promising than any other. It was a decolonization problem. There was a peace plan which, after six years of negotiation, had been approved by both parties and the Security Council. The parties to the conflict were clearly defined: they were the Kingdom of Morocco and the Frente POLISARIO. The application of the solution set forth in the peace plan would not be a complex matter. Lastly, the fact that the cease-fire had held was enabling the United Nations mission to carry out its task in safety.

75. The open obstructionism, intransigence and arrogance of Morocco were the basic reason why the settlement plan had failed. The United Nations had not taken a firm stand vis-à-vis Morocco, whose strategy was either to impose a fraudulent referendum or to force the United Nations to admit failure. Morocco wanted the United Nations to limit itself to supervising a ceasefire that would protect the colonial occupation of the Territory indefinitely. That situation implied a radical change in the mandate of the United Nations, which would not be achieving decolonization, but rather protecting an illegal occupation. It had been the supine attitude of the United Nations towards Morocco's intransigence that had allowed the violation of the original 1991 settlement plan and the introduction of criteria developed by the occupying Power for the preparation of the electoral roll. As a result, Morocco had moved into the Territory a Moroccan population that was three times as numerous as the indigenous Saharan population with a view to having the United Nations include the names of the people concerned on the list of voters. That was also the reason why MINURSO had not yet submitted the results of the Identification Commission's work to the parties.

76. The Frente POLISARIO was prepared to engage in direct negotiations with Morocco to help the United Nations develop solutions to the problems that were still unresolved and to help create a political climate in which it would be possible to attain the objective of the settlement plan, namely a free and fair referendum, not the preservation of the status quo.

77. One of the most tragic consequences of the colonial occupation was the systematic political repression of the Saharan civilian population in the occupied areas, as demonstrated by the reports of Amnesty International and Human Rights Watch. The Moroccan authorities had not been daunted by the

presence of MINURSO in the Territory. The Frente POLISARIO had informed the Security Council and MINURSO periodically about the deterioration in the human rights situation in the areas under Moroccan occupation and about the wave of arrests and imprisonments. The United Nations had done nothing to determine the whereabouts of hundreds of Western Saharans who had been abducted by the Moroccan authorities prior to and after its Mission's arrival in the Territory. MINURSO should demand respect for the norms of humanitarian law in a Territory where it was carrying out a mission on behalf of the international community.

78. The decolonization of Western Sahara, the last colony on the African continent, was a serious challenge for the United Nations. The persistence of such injustice was an affront to all States Members of the United Nations, especially in the context of the International Decade for the Eradication of Colonialism. Until 1975, Western Sahara had been a colony under Spanish occupation which had been scheduled to accede peacefully to self-determination and independence in accordance with the provisions of General Assembly resolution 1514 (XV). When the General Assembly had been about to adopt decisions to expedite the decolonization of the Territory, Morocco had decided to annex it by force thus aborting the decolonization process following a secret agreement with the former colonial Power, Spain. The United Nations had been able to do nothing to stop the Moroccan army, but the Saharan people had resisted the aggression and many countries, mainly in Africa and Latin America, had supported its just cause.

79. After 15 years of armed conflict, the United Nations had advocated the holding of a referendum in order to try to resolve the problem; that initiative had been welcomed by the Frente POLISARIO. At one point, the United Nations had decided that the referendum would be conducted in the presence of the Moroccan army and administration and had said that it would have to be trusted to live up to its moral and political authority. The United Nations had given assurances that the people eligible to vote would be the Western Saharans who had been counted in the last census undertaken by Spain before its withdrawal from the Territory, as stated in the settlement plan that both parties had accepted. Although circumstances had not been conducive to a meaningful referendum on decolonization, the Frente POLISARIO had decided to put its trust in the United Nations. When that implementation of that lopsided settlement plan had begun, Morocco had violated the agreed ceasefire and forced a change in the plan in order to include in the electoral roll Moroccan subjects who had either been transferred or were in the process of being transferred to the Territory. Currently, over two thirds of the applications received by the Identification Commission were from Moroccan settlers or subjects who were still resident in Morocco.

80. Instead of implementing and enforcing the settlement plan prepared with the agreement of the two parties and the support of the international community, the United Nations had accepted Morocco's new demands, setting the stage for possible fraud. The Frente POLISARIO had made a fresh political gesture and had continued to place its trust in the organization. As the Secretary-General recognized in paragraph 26 of his report to the Security Council of May 1996, Morocco had rejected the suggestion that the voter identification process should be conducted in a transparent manner.

81. Now, several years after the preparation of the settlement plan and following 20 years of illegal occupation of the Territory, the people of Western Sahara and international public opinion were being told that conditions for the holding of a fair and honest referendum did not exist. One had to wonder what had changed in the intervening years. It was not possible to draw a definite conclusion as to the true causes of the failure, which could have and should have been avoided, of a peace process which had given rise to so much hope among those who, like the Saharan people, trusted and were willing to continue to trust in the capacity and credibility of the United Nations.

82. While the real and only reason did not appear in the report submitted to the Committee, it could be found in a dispatch of a prestigious European news agency which quoted from a speech made by the King of Morocco on 7 July 1996 in which he stated that, with or without a referendum, Morocco would not leave Western Sahara. The United Nations should draw the appropriate conclusions from the deliberate obstruction on the part of the Government of Morocco of any attempts to make progress towards a just and definitive solution to that long conflict. The yearly extension of the ceasefire with no other prospects than those envisioned by the King of Morocco in the above-mentioned speech would serve only to perpetuate a colonial situation. It was therefore an unacceptable course of action which jeopardized lasting peace in an important region of the world. The Frente POLISARIO believed that there was still enough time before the year's end for all, including the Security Council and the General Assembly, to join the efforts to restore confidence in the credibility of a process that would lead to a fair and transparent referendum worthy of the principles and resolutions inspired by the Special Committee on Decolonization.

83. The petitioner withdrew.

84. The CHAIRMAN suggested that the Special Committee should transmit all the relevant documentation to the General Assembly, subject to any guidelines that the General Assembly might wish to provide on that subject at the fifty-first session and in order to facilitate the consideration of the question by the Fourth Committee.

85. It was so decided.

QUESTION OF SENDING VISITING MISSIONS TO TERRITORIES (A/AC.109/L.1848 and L.1849)

86. The CHAIRMAN drew the Special Committee's attention to the report on the subject contained in document A/AC.109/L.1848 and to draft resolution A/AC.109/L.1849.

87. Mr. RIVERO ROSARIO (Cuba) announced that the delegation of Papua New Guinea had joined the sponsors of the draft resolution and proposed that, on the basis of the information provided by the petitioners and of the decisions of the twenty-third Guam legislature, draft resolution A/AC.109/L.1849 should be amended in order to add a new preambular paragraph and a new operative paragraph. The new preambular paragraph, to be inserted between the last and penultimate paragraphs of the preamble, would read as follows:

"Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory of Guam, noting the recommendation of the 1996 Pacific Regional Seminar for sending a visiting mission to Guam and taking note of the Resolution No. 464 (LS) adopted on 19 July 1996 by the 23rd Guam legislature which requested the dispatch of a United Nations visiting mission to that Territory,"

The text of the new operative paragraph would read as follows:

"Requests further its Chairman to enter into consultations with the administering Power of Guam with a view to facilitating the dispatch of a United Nations visiting mission to that Territory."

88. The CHAIRMAN proposed that the new operative paragraph should be paragraph 5. He took it that the Special Committee was prepared to adopt the draft resolution, as orally amended, without a vote.

89. Draft resolution A/AC.109/L.1849, as orally amended, was adopted without a vote.

REPORT OF THE PACIFIC REGIONAL SEMINAR (A/AC.109/2058)

90. The CHAIRMAN, drew the Committee's attention to the report on the Pacific Regional Seminar contained in document A/AC.109/2058 and said that, if he heard no objections, he would take it that the Special Committee wished to take note of it.

91. It was so decided.

The meeting rose at 5.50 p.m.

UNITED NATIONS **A**

General Assembly

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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1462nd MEETING

Held at Headquarters, New York,
on Thursday, 25 July 1996, at 10 a.m.

Chairman: Mr. SAMANA (Papua New Guinea)

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96-81027 (E)

The meeting was called to order at 10.40 a.m.

QUESTION OF PUERTO RICO

Requests for hearings

1. The CHAIRMAN said that at its previous meeting, on 24 July 1996, the Special Committee had decided to hear representatives of organizations interested in the question of Puerto Rico. He drew attention to the requests for hearings contained in aide-mémoire 13/96 and Add.1 and asked the Committee to comply with them. He took it that the Special Committee wished to grant those requests for a hearing.

2. It was so decided.

Hearing of petitioners

3. At the invitation of the Chairman, Mr. Bras (Common Cause for Independence) took a place at the petitioners' table.

4. Mr. BRAS (Common Cause for Independence) said that the meeting coincided with the ninety-eighth anniversary of the armed invasion of Puerto Rico by the United States of America on 25 July 1898. He also pointed out that on 25 July 1952, the Commonwealth status of Puerto Rico had been proclaimed by the Constituent Convention convened and elected in accordance with United States legislation. The Governor of the Territory had then asked President Eisenhower to request that Puerto Rico should be withdrawn from the list of the Non-Self-Governing Territories of the United Nations, in order to free the administering Power from the obligation to transmit information on the Territory to the Secretary-General. Acceding to that request on 27 November 1953, the General Assembly had adopted resolution 748 (VIII) entitled "Cessation of the transmission of information under Article 73 e of the Charter in respect of Puerto Rico". Nevertheless, in view of objections raised by a number of Member States, a paragraph had been added at the end of the resolution in order to establish clearly that the definitive status of the Territory had not been determined. In that paragraph, the General Assembly expressed its assurance that due regard would be paid to the will of the peoples of Puerto Rico and the United States in the conduct of their relations under the new legal statute, and also in the eventuality that either of the parties to the mutually agreed association might desire any change in the terms of that association.

5. At that same session, the United States Government had promised to listen to any request for greater autonomy or complete independence that might be put forward by the Legislative Assembly of Puerto Rico. That promise had not been kept: in 1959, the United States Administration had rejected a bill that had been adopted by the Legislative Assembly and had sought to bring about the Territory's autonomy.

6. In 1960, during the General Assembly debate on decolonization, owing to the efforts by the representatives of the Movement for the Independence of Puerto Rico, the words "or all other Territories which have not yet attained

independence" had been added to paragraph 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)) so that that resolution would apply not only to Trust and Non-Self-Governing Territories. When the Special Committee, set up to monitor the implementation of the Declaration, had met for the first time in 1963, the Movement for the Independence of Puerto Rico had been the first petitioner to be heard. Unfortunately, the pressure exerted by the United States on numerous Member States had, for many years, prevented consideration of the situation affecting Puerto Rico. Only in 1972 had the Special Committee been able to adopt a resolution requesting its Working Group to submit a report containing recommendations on measures to be taken to monitor the implementation of resolution 1514 (XV) in that Territory.

7. Subsequently, from 1973 to 1991, the Special Committee had adopted 16 resolutions and decisions on the question of Puerto Rico. Nevertheless, the United States had never accepted the Committee's competence, arguing that the Territory had had its own Government since 1952 and therefore did not fall within the scope of the Declaration. The information provided above, however, ran counter to that statement.

8. It was deplorable that no solution had been found to the problem of the colonization of Puerto Rico, which was growing worse from year to year since the social, economic and political problems were multiplying. In fact, the United States House of Representatives had submitted a draft statute for Puerto Rico, which was designed to legitimize the most primitive forms of colonialism. The draft statute rejected the Territory's autonomy on the basis of the 1898 Treaty of Paris, which had transferred sovereignty over Puerto Rico from Spain to the United States and also on the basis of a clause in the Constitution concerning territories (territorial clause), which provided that only the Congress could adopt laws and regulations concerning United States property. That country's current congressional majority was thereby seeking to proclaim what it called, not without cynicism, "the full powers of Congress over Puerto Rico".

9. Nevertheless, the national identity of the Puerto Rican people was asserting itself more and more forcefully. Tired of 500 years of colonial domination and aware of the fact that the growing regionalization and globalization of the economy went hand-in-hand with the assertion by all peoples of their national identity, the Territory's population did not want Puerto Rico to be reduced to the status of a neo-colonial satellite. That new fervour had been particularly in evidence at the demonstration that had taken place during the conference of the governors of the various states of the United States in Puerto Rico: more than 100,000 persons representing all political leanings had participated in it, in spite of all the efforts made to divide the population.

10. Several anniversaries had been celebrated on the island on 25 July: the anniversaries, of course, of the 1898 invasion and of the proclamation of the commonwealth status of Puerto Rico (it should be pointed out in that regard that the members of the Puerto Rican Government would favour transforming the Territory into a province of the United States, even going so far as to accept English as the Territory's official language) as well as the anniversary of the death of two young people murdered by the police in 1978. It should also be recalled that 15 political prisoners and prisoners of war were still

incarcerated in the United States and that the population was unanimously in favour of inviting the international community, more specifically the Special Committee, to express its solidarity by calling on the President of the United States to bring about their unconditional release.

11. In view of the foregoing, the Special Committee should undertake not to postpone once again the taking of a decision on the Territory and should ensure that the consideration of the question the following year would lead to the adoption of a resolution setting forth the overall application of the Declaration on the Granting of Independence to Colonial Countries and Peoples with regard to Puerto Rico. In the meantime, an information campaign should be organized to inform the entire world about the tragic situation of the Puerto Rican people.

12. Mr. Bras withdrew.

13. The CHAIRMAN reminded the petitioners to limit their statements to 10 minutes.

14. Mr. RIVERO ROSARIO (Cuba) said that, while he shared the desire of the Chairman to ensure that the time limit for speaking was respected, he felt that it would be good to demonstrate flexibility in order to enable the petitioners to make their statements without being interrupted.

15. The CHAIRMAN said that he had taken note of the point raised by the representative of Cuba, but that, while showing flexibility, he wished to make the most effective use of conference services and thereby comply with the decision taken by the Bureau. There was a long list of petitioners, making it even more important to respect the decision, so that all speakers would be able to make their statements.

16. At the invitation of the Chairman, Mr. Martínez (Congreso Nacional Hostosiano) took a place at the petitioners' table.

17. Mr. MARTÍNEZ said that, in 1992, the Committee had agreed to defer consideration of the question of Puerto Rico to 1995. The time had come to take a decision on the question of colonialism in Puerto Rico without further delay.

18. The eleventh Conference of Heads of State and Government of the Non-Aligned Countries, meeting from 14 to 20 October 1995 in Cartagena, Colombia, had, as in previous years, reaffirmed the right of the people of Puerto Rico to self-determination and independence in accordance with General Assembly resolution 1514 (XV). In addition to a final declaration in Cartagena, the conference had adopted a brief document, entitled "the Colombia Appeal", for the elimination of the vestiges of colonialism and foreign occupation and for concerted action against new interventionist tendencies.

19. On 17 October 1995, at hearings held by the subcommittee of the United States Congress for indigenous and western hemisphere affairs, the representative of the President of the United States, Mr. Geoffrey L. Farrow, who was also the co-chairman of the inter-agency working group on Puerto Rican affairs, had stated that the current impasse would continue until the Federal

Government faced up to its responsibilities in the matter and gave real content to its policy of support for the self-determination of Puerto Ricans.

20. On 6 March 1996, the Republican representative of Alaska, Don Young, had submitted to the United States House of Representatives, with the support of its President, Newt Gingrich, and a large number of the representatives of both national parties, Bill No. 3024 on procedures for giving Puerto Rico its own government. That bill was based on the hypothesis that Puerto Rico was a territory of the United States, that, in the terms of the territorial clause, fell under the supreme authority of the United States Congress. The bill denied the existence of any pact or convention limiting the power of Congress over Puerto Rico, an interpretation of the Constitution which he endorsed. If adopted by Congress, it would, however, have major international consequences, because it contradicted the position taken by the United States Government on the matter in 1953, a position which had served as the basis for General Assembly resolution 748 (VIII) concerning the United States cessation of the transmission of information on Puerto Rico. Puerto Rico, having become a Commonwealth, had been removed from the list of Non-Self-Governing Territories. Inasmuch as the Young bill contradicted the very basis of resolution 748 (VIII), the United States must accept that the competent body for the settlement of international disputes should have jurisdiction over the matter and participate in the formulation of a decolonization process in accordance with the conditions stipulated in relevant United Nations resolutions and declarations.

21. The Young bill further proposed that Spanish should be replaced by English as the official language of Puerto Rico. As barely 20 per cent of its population spoke English, that decision would give rise to major controversy. He stressed that respect for the culture of peoples was the primary obligation imposed on administering Powers by Article 73 of the Charter.

22. The Congreso Nacional Hostosiano had submitted to the United States Congress a paper in which it opposed Bill No. 3024, which would not provide a way forward from the current impasse because it made the right of self-determination of the Puerto Rican people subordinate to decisions taken by Congress, which was fundamentally imperialist in nature and had no intention of proceeding with a true process of political self-determination in Puerto Rico.

23. If the existence of a colonial regime was recognized, then power must be transferred to the Puerto Rican people, who, in exercise of their sovereignty, could determine the nature and scope of their relations with the United States.

24. Since the United States Government refused to recognize the norms of international law in the case of Puerto Rico, it was increasingly urgent for the Special Committee to consider recommending to the General Assembly that it should request an advisory opinion of the International Court of Justice defining the status of Puerto Rico under existing international law.

25. President Clinton was on the verge of signing a bill which would hurt the economic development of Puerto Rico and was a new manifestation of the colonialist nature of United States relations with Puerto Rico. The bill had caused many protests; nevertheless it had had a positive effect by strengthening anti-colonialist sentiment and Puerto Rican national identity.

26. Exactly 98 years earlier, to the day, United States armed forces had invaded Puerto Rico. However, despite all efforts, international solidarity and the patient work of the Special Committee, the United States was still not ready to meet its obligation to engage in a true process of self-determination to bring the indignity of colonialism to an end. The Committee should therefore make specific recommendations to the General Assembly to prevent that situation of colonialism from being prolonged indefinitely. The Congreso Nacional Hostosiano again requested that Puerto Rican political prisoners should be released, reaffirmed the right of the Puerto Rican people to self-determination and independence, and recommended that that instance of colonialism should be brought before the International Court of Justice and that a visiting mission should be sent to Puerto Rico. He further appealed to the United States to observe the norms of international law in the process of the decolonization of Puerto Rico.

27. Mr. Martínez withdrew.

28. At the invitation of the Chairman, Mr. Martín (Vice-President, Puerto Rican Independence Party) took a place at the petitioners' table.

29. Mr. MARTÍN (Puerto Rico) said that important new facts concerning the political situation of Puerto Rico and its relations with the United States had come to light over the course of the past year. For over 20 years, the United States Government had completely ignored the resolutions in which the Special Committee urgently requested it, as the administering Power, to take the necessary measures to allow the people of Puerto Rico to exercise fully their right to self-determination and independence.

30. Between 1989 and 1991, the United States Congress had tried unsuccessfully to organize elections in Puerto Rico. In 1993, the territorial government had held a referendum on the legal status of Puerto Rico. The Puerto Rican Independence Party had participated, believing that the vote would help to break the impasse surrounding so-called commonwealth status. The results of the vote had made it clear that neither the maintenance of the relations currently existing between the United States and Puerto Rico, nor annexation of Puerto Rico by the United States, would receive the approval of the majority. Neither of those formulas had received an absolute majority because of the number of votes in favour of independence.

31. At the beginning of 1996, Congress, at the request of the colonial legislature, had begun to react to the results of the 1993 referendum. The Chairman of the Committee on Resources of the House of Representatives, Mr. Young, had submitted a bill that unequivocally denounced the status of commonwealth in free association, and proposed that the Puerto Rican people must choose between annexation and sovereignty in the form of either genuine free association or independence. Whatever the majority decided, the President of the United States would submit a proposal to Congress for the transition to the new regime. It was certainly tempting and easy to state that the Young bill respected neither the spirit nor the letter of General Assembly resolution 1514 (XV). However, the Puerto Rican Independence Party was deeply convinced that the annexation scenario would never be approved by Congress, and as a result, if the bill received final approval it would open the way to the true

decolonization of Puerto Rico: independence. For that reason the Puerto Rican Independence Party was in favour of the bill, despite its deficiencies as far as international law on decolonization was concerned.

32. Moreover, the debate in Congress that the bill would provoke would bring to light the economic, political, cultural and linguistic contradictions implicit in annexation, which Congress had never before had an opportunity to study carefully. The debate, which had just begun, would also give Puerto Ricans an opportunity to become fully aware of the true meaning of annexation for the survival of their nation. He also hoped that the United States Government would take that opportunity to release Puerto Rican prisoners. In the final analysis, the Young bill would be judged by its usefulness in the cause of independence.

33. It was his hope that, in the coming year, the situation would have progressed sufficiently that the Special Committee would be in a position to adopt a resolution in favour of Puerto Rican independence, and that, as a result, the final objective of the International Decade for the Eradication of Colonialism would be realized.

34. Mr. Martín withdrew.

35. At the invitation of the Chairman, Mr. Hernández (National Congress for Puerto Rican Rights) took a place at the petitioners' table.

36. Mr. HERNÁNDEZ said that, when it was established, the National Congress for Puerto Rican Rights had included in its platform a clause stating its support for the Dellums Resolution adopted by the United States Congress in 1976, which had followed the letter and spirit of the Declaration on the Granting of Independence to Colonial Countries and Peoples. His organization considered Puerto Rico to be a colony of the United States whose people had not yet been able to exercise their inalienable right to self-determination and independence. In addition, it believed that the United States had not complied with the procedures outlined in the Declaration. Consequently, the Special Committee should recommend to the General Assembly that it should require yearly reports on the political status of the island, as the United States had been compelled to make from 1946 to 1953, when it had succeeded in convincing most delegations that Puerto Rico had achieved a degree of self-government.

37. The National Congress was made up of Puerto Ricans who, while residing in the United States, considered themselves part of the Puerto Rican people and wished to participate in the resolution of their country's political status. They had been fighting for their sovereign rights for over a century, even though they had been victims of the most vicious repressive measures taken against any people struggling for liberation. Fifteen political prisoners and prisoners of war were still serving terms in United States jails. Incidentally, all of those prisoners had been residents of the United States at one time or another, and most had been living there when they were arrested. Their immediate release would be highly important to the Puerto Rican community.

38. The inclusion of Puerto Ricans in the United States in the debate on the political status of the island was not new, as confirmed by data collected on the subject in the past few years. To exclude them would be a serious setback

for decolonization. In fact, several polls had shown that Puerto Ricans in the United States had the same views as those on the island regarding the future of Puerto Rico. The United States Congress had confirmed that fact in 1991, when the Committee on Insular and International Affairs of the House of Representatives had considered a proposal that they should be allowed to vote in the referendum then being planned, but which, unfortunately, had never been held. Puerto Ricans in the United States had been excluded from the referendum on the island's political status held in November 1993. The largest daily newspaper in Puerto Rico had conducted a survey among the population of the island which had revealed that the majority believed that Puerto Ricans in the United States should also be allowed to vote on the status of the Territory. Finally, a large group of Puerto Ricans from the United States had participated in the huge demonstration held on 14 July 1996.

39. As a people displaced primarily because of the colonial status of the Territory, Puerto Ricans in the United States wanted to participate in the long-deferred decision on the political status of Puerto Rico. In 1989, the island's three political parties had written to the President of the United States and Congressional leaders to demand that Puerto Rico should be consulted regarding its relationship with the United States. The President had agreed, but each time the United States had taken steps to deal with the matter, they had been on its terms. The Puerto Rican people had never been offered the possibility to exercise fully their right to self-determination. Puerto Rico could find itself in a situation similar to Quebec, Northern Ireland or Lithuania, where the issue of political status has never been resolved. The Special Committee and the General Assembly could not allow the United States to establish conditions unilaterally. There could not be fair elections leading to decolonization while the island was dominated militarily, economically and politically. Unfortunately, it appeared that no progress had been made, judging by a February 1996 letter addressed to the President of the Puerto Rican Senate and to the Speaker of its House of Representatives by the Chairman of the House Committee on Resources which, after referring to the Treaty of Paris, said that the question of the political status of that unincorporated territory was not settled.

40. The National Congress for Puerto Rican Rights therefore requested the Special Committee to ask the United States to resume the transmission of yearly reports on the political status of Puerto Rico until the Puerto Rican people had exercised their right to self-determination, to recognize the right of Puerto Ricans in the United States to participate in the discussions on the island's colonial status, and to review the situation of political prisoners and the obstacles to discussion of the future status of Puerto Rico.

41. Mr. Hernández withdrew.

42. At the invitation of the Chairman, Mr. Muriente Pérez (New Puerto Rican Independence Movement) took a place at the petitioners' table.

43. Mr. MURIENTE PÉREZ appealed for the solidarity of the international community with the cause of self-determination and independence for Puerto Rico, on the ninety-eighth anniversary of its invasion by the United States army. At the time of the invasion, the Puerto Rican people already possessed a national

identity and their own history and had struggled to free themselves from Spanish colonial domination. Several months before, when Cuba was winning its revolution, Spain had granted Puerto Rico autonomy; the United States Government had then set out to conquer the island. Since that time it had ruled Puerto Rico, building military bases, enriching itself from the people's labour and imposing colonial relations in every sense of the word.

44. The General Assembly had acknowledged Puerto Rico's status as a Commonwealth in its resolution 748 (VIII), which had been adopted by a very slim majority with many abstentions, but the Puerto Rican people had continued their struggle for decolonization.

45. During 1996, the Young bill had been submitted to the United States Congress. It would result in the annexation of Puerto Rico, by means of a distorted referendum, against the will of the people. That would represent an attack on their right to self-determination and independence, a new unilateral and colonialist measure by the United States Congress, which arbitrarily controlled their lives. Moreover, the United States army planned to strengthen its presence on the island. Using the pretext of combating drug trafficking in the Caribbean, it wished to install a radar system, giving no thought to the will of the people.

46. Puerto Rico's colonialist economy, a source of enrichment for the major cities of the metropolitan United States, was also to be deplored. The United States Congress was currently planning to remove a provision from the tax code governing the economy of Puerto Rico, demonstrating its dependence on the decisions of an all-powerful Congress.

47. The Puerto Rican people were attempting to reach a consensus in their struggle for decolonization and self-determination. Over 100,000 Puerto Ricans had marched on 14 July against annexation. That non-partisan demonstration, which had included participants from the entire political spectrum, had been an affirmation of Puerto Rican nationhood. There was also a remarkable degree of national unity in the desire to obtain the release of the 15 Puerto Rican political prisoners, whose only crime had been to fight for the liberation of their country. Tens of thousands of letters on that issue had been sent to the President of the United States.

48. At the international level, the United States was trying to prevent the international community from showing its support to the Puerto Rican cause. Nevertheless, the eleventh summit of the Movement of Non-Aligned Countries had recognized the right of the Puerto Rican people to self-determination and independence.

49. The New Puerto Rican Independence Movement hoped that the Special Committee on decolonization would reaffirm the right of the Puerto Rican people to self-determination and independence and would see that resolution 1514 (XV) was rigorously implemented. It should also invite the United States Congress and Government to relinquish control of Puerto Rico and, in particular, to refrain from any initiative for annexation, which would be an attack on the national integrity of Puerto Rico. Finally, it must achieve the demilitarization of Puerto Rico and the release of the political prisoners.

50. Mr. Muriente Pérez withdrew.

51. Mr. NUÑEZ-MOSQUERA (Cuba) said that the Puerto Rican and Cuban peoples had become brothers in their struggle for independence, first from Spanish colonialism, and then against the colonial Power of the United States. Forty-four years earlier, Puerto Rico had been dubbed a "commonwealth", and, over the years, the United States had always attempted to deny its right to self-determination and independence. It had established many military bases and installations on the island, some of which had nuclear elements, in flagrant violation of the treaty prohibiting nuclear weapons in Latin America. The United States continued to pillage the island's natural resources.

52. The noblest sons of Puerto Rico had been imprisoned unjustly for the sole reason that they had fought for self-determination. Every effort was being made as well to see that the Puerto Rican people lost their national identity. On 14 July 1996, over 100,000 Puerto Ricans of all political persuasions had demonstrated in the streets to affirm their nationality and reject their colonial status. Cuba attached the greatest importance to that demonstration. The Special Committee had decided to take a substantive decision in 1997 at the latest, and his delegation was certain that the consultations to be held would result in a decision recognizing the aspirations of its brothers in Puerto Rico, who should be allowed to exercise their inalienable right to self-determination in accordance with General Assembly resolution 1514 (XV).

53. At the invitation of the Chairman, Mr. Anduze Montaño (President of the Puerto Rico Bar Association) took a place at the petitioners' table.

54. Mr. ANDUZE MONTAÑO, presenting the pluralistic point of view of Puerto Rican jurists, noted that 25 July was a date of special importance to Puerto Rico; it marked the ninety-eighth anniversary of the arrival of United States troops in the Territory, which had previously been colonized by Spain.

55. Based on the fact that the Puerto Rican people should be able to exercise their right to self-determination, the Bar had requested the Special Committee to adopt a resolution asking the United States Government to reach a decision within a year at the latest on the political status of the island, taking into account the results of the 1993 referendum, in which 53 per cent of the electorate had rejected annexation. Failing that, the United States Congress should authorize the holding of another referendum with binding effect, in accordance with General Assembly resolution 1514 (XV).

56. That request, however, had nothing to do with Bill No. 3024 being considered in the House of Representatives, also known as the "Young bill". That bill did not represent the results of consultations with the legitimate representatives of the Puerto Rican people, to which it had been presented after the fact. Nor did it contain provisions that would make it acceptable with regard to international law and resolution 1514 (XV). There were numerous gaps, particularly regarding the transfer of powers, the right to vote and compensation. It also revealed the true nature of the political relationship between Puerto Rico and the United States. In a letter to the Presidents of Puerto Rico's two legislative bodies, which had been brought to the attention of the chairmen of its three political parties, Mr. Young and three of his

colleagues stated without ambiguity that the current political status of Puerto Rico was that of an unincorporated territory of the United States subject to the authority of Congress, in accordance with the territorial clause of the United States Constitution. The letter suggested that a permanent union between the two entities and United States citizenship were not guaranteed, that Puerto Rico did not have true political sovereignty, that there was no bilateral compact binding on the United States, and that the status of commonwealth, or any other status adopted under current conditions, would be neither irrevocable nor permanent and was not binding on Congress. Inequality was the hallmark of relations between Puerto Rico and the United States, which believed that self-determination could only be extended with the support of Congress and within the framework of the Constitution. That view of the matter had been denounced for decades by Puerto Rican anti-colonialist forces. The fact that some representatives in Congress insisted on the use of English in Puerto Rico to preserve national unity was equally revealing. All those elements clearly showed that General Assembly resolution 748 (VIII) was a fraud.

57. The General Assembly must, therefore, re-examine the question of Puerto Rico, request an advisory opinion from the International Court of Justice, and restore Puerto Rico to the list of territories unable to exercise their right to self-determination and independence. The existence of a colonial State in Puerto Rico effectively called into question the raison d'être of the United Nations and the principles of the Charter. The recent demonstrations proved that Puerto Rico needed to reaffirm its national identity and was not satisfied with its status. The General Assembly must, in addition, condemn the unjust imprisonment of 15 Puerto Ricans fighting for national liberation.

58. Mr. Anduze Montaño withdrew.

59. At the invitation of the Chairman, Mr. Fernandez (Justice for Puerto Rico) took a place at the petitioners' table.

60. Mr. FERNANDEZ said that the General Assembly had recognized that the eradication of colonialism was one of the priorities of the United Nations for the decade that had begun in 1990 and that measures must be taken speedily in order to eliminate its last vestiges by the year 2000. In Puerto Rico, however, colonialism was more than a vestige; after 98 years, it continued to constitute a terrible crime against humanity. That accusation might appear extreme, but documentation from the United States Government would support it (a copy was attached to the text of his statement). He hoped that such strong words would finally induce the Special Committee to react, by taking into consideration not only the facts but the deep indignation they caused among the international community. The leadership of the Democratic and Republican parties in the United States never tired of preaching to the rest of the world about respect for human rights. Therefore, it was time for the Special Committee to denounce those hypocrites and let the truth be known: Puerto Rico was the oldest colony on earth and it was governed by the United States.

61. 25 July 1996 marked the ninety-eighth anniversary of the United States invasion of the territory and its colonization. In 1974, Senator Jackson, who chaired the committee of Congress responsible for the Territory, had publicly declared that Puerto Rico had become part of the United States by an act of

conquest, adding that the island should remain a colony, surprising words from the mouth of a representative of the "free world". It was also important to know that in 1943, when the Trusteeship Council was being established, while the United States spoke willingly of putting an end to colonialism in India and Indochina, it also believed that the American continent was outside the field of application of the trusteeship programme.

62. In 1953, Puerto Rico became the first colony to be removed from the list of dependent territories. In order to obtain that decision by the Special Committee, President Eisenhower had proposed independence for the Territory. It was apparent, however, from the White House archives, that it was not a serious offer and that it was based on a suggestion made at a working breakfast. In fact, only Congress had the authority to take such a decision, and it seemed that there was an element of cynicism, or at least of disdain for the United Nations and the Puerto Rican people, flavouring that proposal. It appeared that by offering independence, the United States was seeking above all to silence its critics in the United Nations, or, as in 1955 when they reiterated the offer, to gain the favour of African countries.

63. The same arrogance could be found in the bill submitted by Mr. Young in March 1996 on the political status of Puerto Rico, which specified, in particular, that it was an unincorporated territory completely dependent on the authority of Congress. As such, its status guaranteed it neither a permanent union, nor the right of citizenship for its inhabitants, nor even the possibility that its sovereignty would be recognized. At least that position was honest, but it obscured the fact that Puerto Rico was an unincorporated territory because the United States had denied it the possibility of statehood. Moreover, it was difficult to know what to think of the situation of a Puerto Rican who could be called to serve in the United States army, but still could not vote for the President of the United States who, as Commander-in-Chief of the armed forces, could send him to fight for democracy in Korea, Viet Nam or Kuwait.

64. Puerto Rico had been a colony in 1950, and had remained so after 1952, despite its status as a Commonwealth. In that regard, the United States Congress could not demand absolute power, then fail to acknowledge that it had borne primary responsibility for the political, economic and social situation in the Territory since 1898.

65. The Special Committee must, therefore, reveal the truth to world opinion. To that end it should demand that, in accordance with the provisions of General Assembly resolution 47/23, the United States should restore freedom to Puerto Rico by the year 2000; it should also support the request that had been sent to President Clinton for the immediate and unconditional release of the 15 Puerto Rican political prisoners and prisoners of war. That would contribute, not to eliminating the vestiges of colonialism, but to helping a country which was today marking its ninety-eighth year of occupation by the United States of America, and its five hundred and eighth year of colonization by Spain and then by the United States.

66. Mr. Fernandez withdrew.

67. At the invitation of the Chairman, Mr. Lizardi (President, Organización de Estadistas ante la ONU) took a place at the petitioners' table.

68. Mr. LIZARDI noted that, 44 years after the proclamation of commonwealth status, the majority of the Puerto Rican people, which had been colonized for some 500 years, wished to make themselves heard and to be able to determine their political future. They had voted against colonization in a referendum in 1993.

69. The Commonwealth was not fully sovereign, since it was subject to the Congress and Constitution of the United States of America. The Congress could, for example, unilaterally repeal that status, as well as Act No. 600 on federal relations. True freedom of association enabled the people of a territory associating itself with an independent State to change their status democratically and to determine their constitution without outside interference. Integration with an independent State was a means of achieving self-government which was fully recognized by General Assembly resolution 1541 (XV) (principle VIII). General Assembly resolution 1469 (XIV) had recognized that Alaska and Hawaii had integrated into the United States of America, exercising the right to self-determination with full self-government. In the case of Puerto Rico, the Congress of the United States of America had simply given it increased power over its internal affairs, without changing its constitutional status.

70. It was for that reason that the United Nations had a very important part to play. General Assembly resolution 748 (VIII) should be repealed, since Puerto Rico was still under the sovereignty of the United States Congress. Also, any resolution adopted should mention the choices available to the people of Puerto Rico, namely independence, free association or integration, in order to encourage the decolonization process which had already begun. The absence of any mention of commonwealth status would be instructive for those Puerto Ricans who did not recognize the colonial nature of the current political situation. The United Nations should also urge the United States Congress to exercise the powers it possessed under the United States Constitution and the Treaty of Paris in order to decolonize Puerto Rico as soon as possible, and finally, it should observe that decolonization process.

71. The granting of United States citizenship had been a step towards integration. Clarifying Puerto Rico's political status would encourage its development, particularly in the economic, social, political and cultural spheres. Puerto Rico was neither a special case nor an international problem; its people were capable of understanding the difficulties facing them, and of becoming the fifty-first state of the United States of America, with the help of that great nation. No relationship was perfect, there might have been errors and injustices on either side, but what mattered was to achieve decolonization in a spirit of democracy and equality. Thereafter, it would be for the island's political parties to play their part. Only the integration of Puerto Rico into the United States of America would provide protection, security and stability for future generations. It was for the United Nations to ensure that Congress took account of the wishes of the Puerto Ricans and honoured the commitments of the United States regarding self-determination for Puerto Rico.

72. Mr. Lizardi withdrew.

73. At the invitation of the Chairman, Ms. Garza (Socialist Workers Party) took a place at the petitioners' table.

74. Ms. GARZA recalled the two rallies held on 14 July 1996 in support of the right to self-determination and, for many, to independence. At the same time, the Governors of the various states of the United States of America had been meeting, seeking to reduce social gains and to deny welfare for hundreds of thousands of workers and to reduce the rights of immigrants.

75. During the 1993 plebiscite, the authorities had cynically pointed to the "benefits" of commonwealth status, but had failed to point out that Puerto Rico was a source of profit for United States corporations and a staging ground for United States policing operations in Latin America and the Caribbean. In addition, opponents of democratic rights and social justice in the United States were pushing for legislation to make English the only official language throughout the United States.

76. Colonial rule meant that the Puerto Rican people were subject to glaring abuse: United States National Guard tanks were stationed at the entrances to working-class housing projects. Residents had protested mistreatment at the hands of the National Guard. There was little protection for their rights, whereas in 1917 they had been made citizens of the United States so that thousands of them could be drafted into the army to fight and die for the few ruling families of the United States.

77. The Pentagon occupied 13 per cent of Puerto Rico's richest arable land with army and naval bases, training camps and test sites for new weapons.

78. The secret police and the court system of the United States perpetuated the country's oppression and impeded its liberation. Fifteen Puerto Rican patriots were in United States jails, serving sentences heavier than those imposed on murderers.

79. Together with their fight against colonial oppression, Puerto Ricans were struggling against the economic and social conditions imposed upon the majority of the population by the massive social transformation over the past 45 years. The economy had become industrialized, and most families' breadwinners were wage workers in manufacturing industries, facing the same problems as workers in other countries: deteriorating wages, unemployment, faster production, industrial pollution and assaults on unions. Unemployment was three times as high as in the United States, and median family income and levels of education were lower. The struggle for the integrity of Puerto Rico as a Latin American nation deserved the full support, not only of the peoples of Latin America, but of all those in the Americas.

80. While the world was faced with capitalist disorder, Washington increasingly used its military and economic power to dictate to nations less powerful than itself in every part of the world.

81. In those conditions, the struggle by the working class against the designs of employers and Government went hand in hand with the fight against colonial oppression. That struggle was intensifying as the world capitalist economic crisis became more pronounced and as employers increasingly sought to exploit Puerto Rican workers. The continued colonial status of Puerto Rico was used to bolster chauvinism and prejudice, which the employers used to divide the workers of the United States and those of Puerto Rico.

82. Cuba and Puerto Rico had a common history of colonial rule, but the Cuban people had been able to free themselves in 1959; since then, the Cuban Government had consistently spoken out against the denial of the right of self-determination for the Puerto Rican people. The Cuban revolution increasingly stood as an example of the achievement of independence. In 37 years, the most powerful and heavily armed empire on earth had not been able to destroy the Cuban revolution. Cuba showed the way forward in the battle for sovereignty, independence and dignity, and demonstrated the power of working people. The United States Government had consistently opposed the efforts of international organizations which supported the struggle of Puerto Rico for independence. The Special Committee should take a firm stand against colonialism.

83. Ms. GARZA withdrew.

84. Mr. BAPTISTA (Indonesia) said that the message distributed on the previous day at the request of Portugal should have been circulated as an official document of the United Nations.

85. Mr. GAMISO (Portugal) recalled that the message had come from the President of the Portuguese Parliament, which had always struggled against colonialism.

86. The CHAIRMAN noted with great interest the observations of the Indonesian delegation, and said he would seek the opinion of the Legal Counsel.

The meeting rose at 1.05 p.m.